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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/686,487
Filing Date: October 15, 2003
Appellant(s): COHEN, GABRIEL A.

Scott D. Paul

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 Oct. 2007 appealing from the Office action mailed 02 July 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,174,512 B2	Martin et al.	11-2001
2004/0107449 A1	Fukuda et al.	10-2003
2002/0175951 A1	Gajewska et al.	11-2002
2003/0084405 A1	Ito et al.	10-2002
2003/0126558 A1	Griffin	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (Patent No.: US 7,174,512 B2; Filed Nov. 28, 2001) (hereinafter ("Martin')).

In regards to independent claim 1, Martin discloses *a method for indicating input focus in a portal environment, the method comprising the steps of:*

assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus (col. 3, lines 19-62; Martin disclose when a cell/portlet within the portal is deselected, the focus is gained by another cell/portlet. Thus, assigning an unfocus style to the portlet.).

further assigning a focused style to said focused portlet having input focus; rendering said focused and unfocused portlets in said portal (col. 3, lines 19-62; Martin disclose when a cell/portlet is selected, it gains focus. Martin disclose when a cell/portlet within the portal is deselected, the focus is gained by another cell/portlet. Thus, assigning an focus style to the portlet.).

responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style to said new portlet while re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles (col. 3, lines 19-62; Martin disclose when a cell/portlet is selected, it gains focus. Martin also disclose when a cell/portlet within the portal is deselected, the focus is gained by another cell/portlet, thus, assigning an unfocus style to the cell/portlet. Therefore in response to a new portlet in said portal

acquiring said input focus from said focused portlet, inherently the process of re-assigning said focused style to said new portlet re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles would occur.).

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al. (Pub. No.: US 2004/0107449 A1; Pub. Date: Oct. 7, 2003) (hereinafter "Fukuda").

In regards to independent claim 12, *Fukuda discloses a machine readable storage having stored thereon a computer program for indicating input focus in a portal environment, the computer program comprising a routine set of instructions for causing the machine to perform the steps of (0102):*

assigning an unfocused style sheet to all unfocused portlets in a portal except for a focused portlet having input focus (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. Using the broadest reasonable interpretation, the Examiner concludes that the style sheet is used to configure both focused and unfocused styles. At the time of the invention it would have been inherent to the skilled artisan that the unfocused style is typically considered as the default style and therefore may or may not be defined within the content style sheet specification.).

further assigning a focused style sheet to said focused portlet having input focus (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus, thus assigning a focused style sheet to said focused portlet having input focus.).

rendering said focused and unfocused portlets in said portal; and, responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style sheet to said new portlet while re-assigning said unfocused style sheet to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said style sheets (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. In response to a new portlet in said portal acquiring said input focus from said focused portlet, inherently the process of re-assigning said focused style to said new portlet re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles would occur.).

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon

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for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Gajewska et al. (Pub. No.: US 2002/0175951 A1; Pub. Date: Nov. 28, 2002) (hereinafter “Gajewska”).

In regards to dependent claim 2, Martin does not expressly disclose the method of claim 1, further comprising the steps of:

defining a unique identifier in each portlet in said portal;
specifying a global focus identifier with a unique identifier of said focused portlet;
responsive to said new portlet in said portal acquiring said input focus, re-
specifying said global focus identifier with a unique identifier of said new portlet.

However, Gajewska teaches *defining a unique identifier in each portlet in said portal* (0042; Gajewska discloses a Focus List which identifies components(*portlets*) that have issued a focus request. Each list element has a “requester” member. The

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"requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request).

specifying a global focus identifier with a unique identifier of said focused portlet (0042; Gajewska discloses a Focus List which identifies components(*portlets*) that have issued a focus request. Each list element has a "requester" member. The "requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request); and,

responsive to said new portlet in said portal acquiring said input focus, re-specifying said global focus identifier with a unique identifier of said new portlet (0043-0044; Gajewska discloses how a new "requester" member is added to the Focus List. The "requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request).

Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Martin with Gajewska for the benefit of maintaining a list of components requesting focus in a selected application (0025), for a further benefit specifying global focus identifiers.

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See MPEP 2123.

Claims 6, 7, 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Gajewska.

In regards to independent claim 6, Fukuda discloses a *system for indicating input focus in a portal environment, the system comprising:*

a focused style sheet and an unfocused style sheet (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. At the time of the invention it would have been obvious to a person of ordinary skill in the art that Fukuda teaching of a focus style sheet as applied to a focused portlet could also be applied as an unfocused style sheet to an unfocused portlet.);

a portal defining a plurality of portlets, said portlets comprising a single focused portlet configured for rendering according to said focused style sheet, and a remaining set of unfocused portlets configured for rendering according to said unfocused style sheet (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. It has been established that a portal is typically define with a *plurality of portlets*. At the time of the invention it would have been obvious to a person of ordinary skill in the art to apply Fukuda teachings to portlets);

Fukuda does not disclose expressly *a global indicator disposed within said portal specifying said single focused portlet;*

a global script disposed within said portal programmed to change said global indicator to specify a newly focused portlet when said newly focused portlet acquires

input focus from said single focused portlet, to re-render said newly focused portlet in said portal according to said focused style sheet and to re-render said single focused portlet in said portal according to said unfocused style sheet.

However Gajewska teaches a *global indicator disposed within said portal specifying said single focused portlet* (0042; Gajewska discloses a Focus List which identifies components(portlets) that have issued a focus request);

a global script disposed within said portal programmed to change said global indicator to specify a newly focused portlet when said newly focused portlet acquires input focus from said single focused portlet, to re-render said newly focused portlet in said portal according to said focused style sheet and to re-render said single focused portlet in said portal according to said unfocused style sheet (0021; Gajewska discloses a component become the focus owner when it receives a FocusGained (*input focus*) event and ceases being the focus owner when it receives a FocusLost (*unfocused*) event. Gajewska further discloses in a FocusGain event, the opposite field specifies the component that is losing focus and specified the component that is gaining focus in conjunction with the FocusLost event; 0041, 0042, 100 in fig 6; Gajewska also discloses a Focus List (*global indicator*), which is a list of all the components making a request for a FocusGained event. The Focus List is structured as a queue (*global script*) of elements that are used when selecting the "opposite component.").

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Fukuda with Gajewska, for the benefit of maintaining a list of components requesting focus in a selected application which identifies components(*portlets*) that have issued a focus request (0025).

In regards to dependent claim 7, Fukuda discloses the *system of claim 6, wherein said focused style sheet and unfocused style sheet are defined according to a content style sheet specification* (0064; Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus. Using the broadest reasonable interpretation, the Examiner concludes that the style sheet is used to configure both focused and unfocused styles. At the time of the invention it would have been obvious to the skilled artisan that the unfocused style is typically considered as the default style and thus may or may not be defined within the content style sheet specification.).

In regards to dependent claim 10, Fukuda does not disclose expressly the *system of claim 9, wherein at least one said attributes specifies a unique identifier for said single one of said portlets*.

However, Gajewska teaches the *system of claim 9, wherein at least one said attributes specifies a unique identifier for said single one of said portlets* (0042; Gajewska discloses a Focus List which identifies components(*portlets*) that have

issued a focus request. Each list element has a "requester" member. The "requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Fukuda with Gajewska, for the benefit of maintaining a list of components requesting focus in a selected application which identifies components(*portlets*) that have issued a focus request (0025).

In regards to dependent claim 11, Fukuda does not disclose expressly the *system of claim 9, wherein at least one of said attributes associates said global script with an event which occurs when said single one of said portlets acquires user input focus.*

However, Gajewska teaches the *system of claim 9, wherein at least one of said attributes associates said global script with an event which occurs when said single one of said portlets acquires user input focus* (0041, 0042, 100 in fig 6; Gajewska discloses a Focus List (*global indicator*), which is a list of all the components making a request for a FocusedGained event. The Focus List is structured as a queue (*global script*) of elements that are used when selecting the "opposite component.").

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Fukuda with Gajewska, for the benefit of maintaining a list of components requesting focus in a selected application which identifies components(*portlets*) that have issued a focus request (0025).

In regards to dependent claim 13, Fukuda does not disclose expressly the *machine readable storage of claim 12, further comprising the steps of:*
defining a unique identifier in each portlet in said portal;
specifying a global focus identifier with a unique identifier of said focused portlet;
responsive to said new portlet in said portal acquiring said input focus,
re-specifying said global focus identifier with a unique identifier of said new portlet.

However, Gajewska teaches the *machine readable storage of claim 12, further comprising the steps of* (0025, lines 1-5):
defining a unique identifier in each portlet in said portal (0042; Gajewska discloses a Focus List which identifies components(*portlets*) that have issued a focus request. Each list element has a “requester” member. The “requester” member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request);
specifying a global focus identifier with a unique identifier of said focused portlet (0042; Gajewska discloses a Focus List which identifies components(*portlets*) that

have issued a focus request. Each list element has a "requester" member. The "requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request);

responsive to said new portlet in said portal acquiring said input focus, re-specifying said global focus identifier with a unique identifier of said new portlet (0043-0044; Gajewska discloses how a new "requester" member is added to the Focus List. The "requester" member contains data that identifies (*unique identifier*) a component (*portlet*) that at some point issues a focus request).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Fukuda with Gajewska, for the benefit of maintaining a list of components requesting focus in a selected application which identifies components(*portlets*) that have issued a focus request (0025).

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See MPEP 2123.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Gajewska, further in view of Ito et al. (Pub. No.: US 2003/0084405 A1; Filing Date: Oct. 7, 2002) (hereinafter “Ito”).

In regards to dependent claim 3, Martin in view of Gajewska does not disclose expressly *the method of claim 2, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal.*

However, Ito teaches *the method of claim 2, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal* (0019, 0023-24, Ito teaches a style sheet selection method in which comprises a style sheet for embedding in the XML document. At the time of the invention, it was well known in the art that style sheets typically contain attributes/information that are specific to specific elements/objects, as well as scripts to perform specific functions on those elements/objects.).

Therefore at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Martin in view of Gajewska with Ito. The motivation for doing so would have been for the benefit of dynamically selecting a style sheet for an XML document (portal) (0002)).

In regards to dependent claim 5, Martin does not disclose expressly *the method of claim 3, further comprising the step of associating said script with each*

event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus.

However, Gajewska teaches *the method of claim 3, further comprising the step of associating said script with each event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus* (0041, 0042, 100 in fig 6; Gajewska et al. also discloses a Focus List (global indicator), which is a list of all the components making a request for a FocusedGained event. The Focus List is structured as a queue (global script) of elements that are used when selecting the "opposite component").

Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Martin with Gajewska for the benefit of maintaining a list of components requesting focus in a selected application (0025), for a further benefit specifying global focus identifiers.

Claims 9, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Gajewska, further in view of Ito et al. (Pub. No.: US 2003/0084405 A1; Filing Date: Oct. 7, 2002) (hereinafter "Ito").

In regards to dependent claim 9, Fukuda in view of Gajewska does not disclose expressly *the system of claim 8, wherein each of said divisible sections comprises a set of attributes, at least one of said attributes specifying a class corresponding to one of said focused style sheet and unfocused style sheet*. Fukuda teaches a focus style is configured such that a style sheet is used to specify the style of the focus (0064).

Ito teaches *the system of claim 8, wherein each of said divisible sections comprises a set of attributes, at least one of said attributes specifying a class corresponding to one of said focused style sheet and unfocused style sheet* (0021-0024, Ito teaches how a style sheet satisfies the document type, root element name and root element *attribute* name).

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Fukuda in view of Gajewska with Ito for the benefit of using style sheet for configuring *divisible sections comprises* a set of attributes, at least one of said attributes specifying a class corresponding to one of said focused style sheet and unfocused style sheet.

In regards to dependent claim 14, Fukuda in view of Gajewska does not disclose expressly *the machine readable storage of claim 13, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal*.

However, Ito teaches *the machine readable storage of claim 13, further comprising the step of performing said re-assigning and re-rendering steps through a script embedded in said portal* (0019, 0021-24, Ito teaches a style sheet selection method in which comprises a style sheet for embedding in the XML document. Ito also teaches storage means for the style sheets and XML documents (Fig 1). At the time of the invention, it was well known in the art that style sheets typically contain attributes/information that are specific to specific elements/objects, as well as scripts to perform specific functions on those elements/objects.).

Therefore, it would have been obvious to a person of ordinary skill in the art to include scripts with steps of *re-assigning and re-rendering* within the style sheets. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fukuda in view of Gajewska with Ito. The motivation for doing so would have been for the benefit dynamically selecting a style sheet for an XML document (*portal*) (0002)).

In regards to dependent claim 16, Fukuda does not disclose expressly *the machine readable storage of claim 14, further comprising the step of associating said script with each event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus*.

However, Gajewska teaches *the machine readable storage of claim 14, further comprising the step of associating said script with each event attribute in a divisible section which indicates when a corresponding one of said focused and unfocused portlets has acquired said input focus* (0041, 0042, 100 in fig 6; Gajewska also discloses a Focus List (*global indicator*), which is a list of all the components making a request for a FocusedGained event. The Focus List is structured as a queue (*global script*) of elements that are used when selecting the "opposite component.").

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Fukuda with Gajewska, for the benefit of maintaining a list of components requesting focus in a selected application which identifies components(*portlets*) that have issued a focus request (0025).

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Gajewska in view of Ito, further in view of Griffin (Pub. No.: US 2003/0126558 A1; Filing Date: Oct. 24, 2002).

In regards to dependent claim 4, Fukuda in view of Gajewska does not disclose expressly the *method of claim 3, further comprising the steps of:*

defining said portal in a markup language document;

defining a divisible section of said markup language document for each of said focused and unfocused portlets; and,

performing said assigning and further assigning steps by specifying a class attribute for each of said focused and unfocused portlets, said class attribute corresponding to a style sheet selected from the group consisting of a focused style sheet and an unfocused style sheet.

Ito teaches *performing said assigning and further assigning steps by specifying a class attribute for each of said focused and unfocused portlets, said class attribute corresponding to a style sheet selected from the group consisting of a focused style sheet and an unfocused style sheet* (0021-0024, Ito teaches how a style sheet satisfies the document type, root element name and root element *attribute* name).

Therefore, it would have been obvious to a person of ordinary skill in the art to include scripts with steps of *re-assigning and re-rendering* within the style sheets. The motivation for doing so would have been for the benefit dynamically selecting a style sheet for an XML document (*portal*) as taught by Ito; 0002.

Martin, Gajewska, and Ito fails to teach *defining said portal in a markup language document;*

defining a divisible section of said markup language document for each of said focused and unfocused portlets;

However, Griffin teaches *method of claim 3, further comprising the steps of: defining said portal in a markup language document* (0014, lines 1-6);

defining a divisible section of said markup language document for each of said focused and unfocused portlets (0015; Griffin teaches a portal page can include portlets);

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Griffin teachings of representing portals using XML data with Martin, Gajewska, and Ito with Griffin for the benefit of defining a divisible section of said markup language document for each of said focused and unfocused portlets.

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See MPEP 2123.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda and Gajewska in view of Ito, further in view of Griffin (Pub. No.: US 2003/0126558 A1; Filing Date: Oct. 24, 2002).

In regards to dependent claim 8, Fukuda in view of Gajewska and Ito does not disclose expressly *the system of claim 6, wherein said portal comprises markup comprising a plurality of divisible sections, each of said divisible sections defining a single one of said portlets.*

However, Griffin teaches *the system of claim 6, wherein said portal comprises markup comprising a plurality of divisible sections, each of said divisible sections defining a single one of said portlets* (0015; Fig 1.; Griffin teaches a portal page can include portlets.).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to use Griffin teachings of defining a portal in a markup language document (0014, lines 1-6), along with the established teaching of a markup language document being composed of divisible section, for the benefit of said portal comprises markup comprising a plurality of divisible sections, each of said divisible sections defining a single one of said portlets.

In regards to dependent claim 15, Fukuda in view of Gajewska does not disclose expressly *the machine readable storage of claim 14, further comprising the steps of:*

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defining said portal in a markup language document;
defining a divisible section of said markup language document for each of said
focused and unfocused portlets; and,
performing said assigning and further assigning steps by
specifying a class attribute for each of said focused and unfocused portlets,
said class attribute corresponding to a style sheet selected from the group
consisting of said focused style sheet and said unfocused style sheet.

Ito teaches *performing said assigning and further assigning steps by specifying a*
class attribute for each of said focused and unfocused portlets, said class attribute
corresponding to a style sheet selected from the group consisting of a focused
style sheet and an unfocused style sheet (0021-0024, Ito teaches how a style sheet
satisfies the document type, root element name and root element *attribute* name).

Therefore, it would have been obvious to a person of ordinary skill in the art to
include scripts with steps of *re-assigning and re-rendering* within the style sheets. The
motivation for doing so would have been for the benefit dynamically selecting a style
sheet for an XML document (*portal*) as taught by Ito; 0002.

Fukuda, Gajewska, and Ito fails to teach *defining said portal in a markup*
language document;
defining a divisible section of said markup language document for each of said focused
and unfocused portlets; and,

However, Griffin teaches *method of claim 3, further comprising the steps of: defining said portal in a markup language document* (0014, lines 1-6); *defining a divisible section of said markup language document for each of said focused and unfocused portlets* (0015; Griffin teaches a portal page can include portlets);

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Ito teachings of configuring portlet attributes within a style sheet with Griffin teachings of representing portals using XML data with Fukuda, Gajewska, and Ito, for the benefit of defining a divisible section of said markup language document for each of said focused and unfocused portlets.

Note

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

(10) Response to Argument

First and foremost, within the process of establishing arguments concerning the currently appealed office action, in what seems to be a faithlessly attempt to overwhelm the Honorable Board with an abundance of previously produced arguments, the Appellant frequently reference rejections from previous office actions and/or appeal briefs, which have been superseded by the currently appealed office action. The Examiner respectfully petitions the Honorable Board in that all superseded office actions or appeal briefs should have no relevance as to the currently appealed office action. Being superseded, for all practical purposes, the previous office actions or appeal briefs no longer exist and therefore should not have any relevance in the current proceedings.

Furthermore, the Examiner submits that upon multiple examinations of the cited prior art, in response to arguments and/or amendments set forth by Appellants or Applicants, it is typical of Examiners to discover different interpretations or discover previously overlooked information/wording pertaining to claimed limitations within the reference(s).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

**THE REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 102 FOR ANTICIPATION
BASED UPON MARTIN**

Appellant argues *Martin is silent as to assigning styles to portlets, focused or not. Although Martin describes moving an indicator (see lines 45-47 of column 3) to indicate the particular cell that has focus, this is not comparable to assigning a style to a focused portlet. Thus, Martin further fails to identically disclose the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.* (Appeal Brief, page 6)

The Examiner disagrees.

Martin teaches a portal display which provides access to various services offered in a television system. The portal display comprises cells/portlets arranged in a row and column matrix. Martin explicitly teaches when a cell is selected, the cell gains focus and when the cell is deselected, the focus is gained by another cell/portlet. The selection is done by positioning an indicator, using an input device, to select one of the cell/portlets. Martin also teaches each cell/portlet is represented by a visual object, and when the cell is selected, the visual object may change when it is highlighted. For example, the graphic still object may become animated or a video frame may become live video.

The Examiner concludes that the "gain focus" (*focus*) and "loss focus" (*unfocus*) features of the system disclosed in Martin inherently assigns a "*focused style*" to the cell

having focus and an "unfocused style" to the cells not having focus in that the "focused" cell is distinguished (e.g., via highlighting) from the "unfocused" cells. The examiner notes that if the "focused" cell was not distinguished from the "unfocused" cells, then the user would be unable to tell which of the displayed cells has focus.

Accordingly, Martin teaches assigning a focused style and/or an unfocused style to portlets (col. 2, lines 1-18; col. 3, lines 36-59; Figs. 1, 5C & 5D).

**THE REJECTION OF CLAIM 12 UNDER 35 U.S.C. § 102 FOR ANTICIPATION
BASED UPON FUKUDA**

Appellant argues *there are several flaws in the Examiner's analysis. First the Examiner's "broadest reasonable interpretation" is not an interpretation, but instead, an attempt to import, into paragraph [0064] of Fukuda, a teaching that does not exist. The Examiner's conclusion "that the style sheet is used to configure both focused and unfocused styles" is entirely factually unsupported.* (Appeal Brief, page 9)

The Examiner disagrees.

Fukuda clearly disclose the focus style is configured such that a style sheet is used to specify the style (focus or unfocus) of the focus, thus allowing a user to distinctly know where the focus is applied. Fukuda further discloses while viewing the multi screen program, the user moves the focus to a desired streaming program on the screen using the cursor keys. To one of ordinary skill in the art, it would be inherent that

Fukda style sheet would be configured to indicate both a focused and unfocused style. Therefore, the Examiner's conclusion is entirely factually supported (0064; 0065; Fig. 3).

Further, as established at the beginning of this section (Response to Argument) the Appellant attempts to incorporate arguments related to superseded office actions and/or appeal briefs. The Appellant makes reference to cited prior art which was not used in the rejection of this claim of the currently appealed office action, e.g. Gajewaka, which has no relevance in the currently appealed claim. (Appeal Brief, pages 9-14)

As previously stated, upon multiple examinations of the cited prior art, in response to arguments and/or amendments set forth by Appellants or Applicants, it is typical of Examiners to discover different interpretations or discover previously overlooked information/wording pertaining to claimed limitations within the reference(s). Thus Appellant's argument as related to superseded office actions and/or appeal briefs are moot.

Appellant further argues *Fukuda teach the display of "streaming programs 702," which have not been established by the Examiner to be comparable to the claimed portlets.* (Appeal Brief, page 10)

The Examiner disagrees.

Fukda discloses multi screen program display, wherein streaming programs are represented by small views. Fukda also discloses wherein using the cursor keys, the user moves the focus to a desired streaming program (small view) which he/she wants to view. Thus the Examiner concludes the "small views" of which the streaming programs are displayed, is comparable to the claimed portlets, not specifically the "streaming program" (0061; 0064; 0065; Fig. 3).

With regards to Appellant's assertion of the Examiner improper obviousness assertion, the Examiner notes that this was an inadvertent error. (Appeal Brief, page 12)

**THE REJECTION OF CLAIM 2 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON MARTIN IN VIEW OF GAJEWSKA**

Appellant argues Claim 2 depends from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. Appellant, therefore, respectfully submit that the imposed rejection of claim 2 under 35 U.S.C. § 103 for obviousness based upon Martin in view of Gajewska is not viable. (Appeal Brief, pages 14-15)

In at least based upon Claim 2 dependency of independent claim 1, and Appellant incorporating therein the arguments previously advanced in traversing the

imposed rejection of claim 1, the Examiner disagrees with Appellant's argument of Claim 2 based on the same rationale as stated above concerning independent claim 1.

**THE REJECTION OF CLAIMS 6-7, 10-11 AND 13 UNDER 35 U.S.C. § 103
FOR OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA**

Appellant argues the Examiner has failed to set forth a proper prima facie case of obviousness for failure to establish a realistic rationale why one having ordinary skill in the art would modify Fukuda in view of Gajewska to arrive at the claimed invention.
(Appeal Brief, page 15-16)

The Examiner disagrees.

The Examiner notes that the Appellant again attempts to incorporate arguments related to superseded office actions and/or appeal briefs. However, in response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Fukuda and Gajewska are in the same or related field(s) of endeavor as the claimed invention. Further, both references teach focused and unfocused elements. However, Fukuda lacks the global

indicator element in which Gajewska teaches in the form of a Focus list, thus suggesting a motivation to combine the references. (Gajewska, 0021; 0025; 0041; 0042, 100 in Fig. 6.)

**THE REJECTION OF CLAIMS 3 AND 5 UNDER 35 U.S.C. § 103 FOR
OBVIOUSNESS BASED UPON MARTIN IN VIEW OF GAJEWSKA AND ITO**

Appellant argues Claims 3 and 5 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. Appellant, therefore, respectfully submits that the imposed rejection of claims 3 and 5 under 35 U.S.C. §103 for obviousness based upon Martin in view of Gajewska and Ito is not viable. (Appeal Brief, page 16)

In at least based upon Claims 3 and 5 dependency of independent claim 1, and Appellant incorporating therein the arguments previously advanced in traversing the imposed rejection of claim 1, the Examiner disagrees with Appellant's argument of Claim 2 based on the same rationale as stated above concerning independent claim 1.

**THE REJECTION OF CLAIMS 9, 14, AND 16 UNDER 35 U.S.C. § 103 FOR
OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA AND ITO**

Appellant argues Claims 9, 14, and 16 respectively depend from independent claims 6 and 12, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 6 and 12 based upon Fukuda in view of Gajewska and Fukuda alone. Appellant, therefore, respectfully submits that the imposed rejection of claims 9, 14, and 16 under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska and Ito is not viable. (Appeal Brief, pages 16-17)

In at least based upon Claims 9, 14, and 16 respectively dependency of independent claims 6 and 12, and Appellant incorporating therein the arguments previously advanced in traversing the imposed rejection of claims 6 and 12, the Examiner disagrees with Appellant's argument of Claims 9, 14, and 16 respectively based on the same rationale as stated above concerning their respective base claim.

**THE REJECTION OF CLAIM 4 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON MARTIN IN VIEW OF GAJEWSKA, ITO, AND GRIFFIN**

Appellant argues Claim 4 depends from independent 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Martin. Appellant, therefore, respectfully submits that the imposed rejection of claim 4 under 35 U.S.C. §

103 for obviousness based upon Martin in view of Gajewska, Ito, and Griffin is not viable. (Appeal Brief, pages 17-18)

In at least based upon Claim 4 dependency of independent 1, and Appellant incorporating therein the arguments previously advanced in traversing the imposed rejection of claim 1, the Examiner disagrees with Appellant's argument regarding Claim 4 based on the same rationale as stated above concerning independent claim 1.

**THE REJECTION OF CLAIMS 8 AND 15 UNDER 35 U.S.C. § 103 FOR
OBVIOUSNESS BASED UPON FUKUDA IN VIEW OF GAJEWSKA, ITO, AND
GRIFFIN**

Appellant argues Claims 8 and 15 respectively depend from independent 6 and 12, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejections of claims 6 and 12 based upon Fukuda in view of Gajewska and Fukuda alone. Appellant, therefore, respectfully submits that the imposed rejection of claims 8 and 15 under 35 U.S.C. § 103 for obviousness based upon Fukuda in view of Gajewska, Ito, and Griffin is not viable. (Appeal Brief, page 18)

In at least based upon Claims 9, 14, and 16 respectively dependency of independent claims 6 and 12, and Appellant incorporating therein the arguments previously advanced in traversing the imposed rejection of claims 6 and 12 based upon Fukuda in view of Gajewska and Fukuda alone, the Examiner disagrees with

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Appellant's argument regarding Claims 8 and 15 respectively based on the same rationale as stated above concerning their respective base claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/JAMES J. DEBROW/

JAMES DEBROW
EXAMINER
ART UNIT 2176

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